APPENDIX B

ORAL OPINION OF THE DISTRICT COURT ON MOTION FOR PRODUCTION OF WITNESSES' NAMES

THE COURT: Well, I do not think it merits further discussion. Your position here, Mr. Wohl, is no diffferent —as Mr. Babcock pointed out—from any defense counsel in any case. There is one exception in that in this type of case the Court cannot be worried about the fact Dr. Cooper is not going to go out and kill somebody or threaten somebody's safety or their property or something like that if they testified against him. That certainly is one reason why the Government is not required to reveal its witnesses. But I think it is only one of the reasons. It is not the only reason. If it was the only reason, then certainly there would have been some indication of that as a justification. I think even within the rule itself, and it is not expressed there, actually, that you do not come within the suggestions, that you cannot say within the rules of the *Richter* case because you haven't made a showing. I realize the difficulty of your making a showing in this case. The fact there is a difficulty there doesn't assist the Court or assist you in this situation. So having no authority, I find myself with no authority even within the suggestion of the *Richter* case to grant your motion. It must be denied.

ON MOTION TO SUPPRESS

* * *

THE COURT: All right. I think I can decide this rather promptly from the bench and I am going to do so.

* * *

Now the next question is whether or not Johnson did in fact adequately advise—well, first of all, let me say this: That I do not find in any of the evidence that has been presented to the Court any requirement whatsoever for a *Miranda* warning. This was not an in-custody situation in any sense of the word or any understanding of that term. So, I do not find any requirement whatever for a *Miranda* warning, and that is all I need to say.